

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of)
)
)
 Lewis B. Aronson et al.)
)
)
Serial No.: 10/629,302) Art Unit
) 2613
Filed: July 28, 2003)
)
Conf No.: 6438)
)
For: TRANSCEIVER MODULE AND INTEGRATED)
 CIRCUIT WITH DUAL EYE OPENERS AND)
 INTEGRATED LOOPBACK AND BIT ERROR)
 RATE TESTING)
)
Examiner: Dzung D. Tran)

RESPONSE TO RESTRICTION REQUIREMENT

MAIL STOP: AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants submit this paper in response to the Office Action mailed January 25, 2008, (the "Office Action"). In the Office Action, the Examiner set forth a Restriction Requirement that identified what the Examiner has characterized as two (2) distinct inventions. In particular, the Examiner suggested in the Office Action that the present application contains claims directed to the following inventions:

- I. Claims 1-12, drawn to a method/apparatus of an integrated circuit for use in a transceiver module, the integrated circuit comprises a loopback circuitry for switchably forming a loopback data path, classified in class 398, subclass 137; and

II. Claims 13-26, drawn to a method/apparatus of an integrated circuit for use in a transceiver module, the integrated circuit comprising: a bit error rate tester (BERT) engine for testing a test data path from a starting test point to an ending test point, classified in class 398, subclass 32.

In response to the Restriction Requirement set forth in the Office Action, Applicants hereby elect Invention II, (claims 13-26) for examination without traverse.

Applicants note that while the election set forth herein is made without traverse, the mere fact that no traverse is made should not be construed as an assessment or judgment by the Applicants as to the merits, if any, of: the characterization of the claims and inventions advanced by the Examiner in the restriction requirement set forth in the Office Action; or, any other assertions, allegations, statements or characterizations made by the Examiner in that restriction requirement.

An action on the merits of elected claims 13-26 and a Notice of Allowance thereof are respectfully requested.

Dated this 6th day of February 2008.

Respectfully submitted,

/Peter F. Malen, Jr./Reg.# 45576

PETER F. MALEN, JR.
Attorney for Applicants
Registration No. 45,576
Customer No. 022913
Telephone No. 801-533-9800